

FEB 3 1987

OFFICE OF THE
CITY CLERK

Attachment 1

Appeal of Rich McWilliams vs. City)
of Sacramento Planning Commission's:)
Approval of a Special Permit and)
Variances to allow a secondary unit)
in the R-1 zone at 1713 41st Street)
(P86-434))

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of FEB 03 1987, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

Findings of Fact:

1. The project is based on sound principles of land use in that:
 - a. a second residential unit is allowed in the R-1 zone with a special permit;
 - b. the proposed use will not alter the character of the neighborhood which consists of residential uses;
 - c. the proposal conforms to the unit size and architectural criteria for secondary residential units.
2. The project, as conditioned, is not detrimental to the public health, safety or welfare, nor to surrounding properties, in that:
 - a. there are other similar uses located in the same neighborhood;
 - b. the project will be aesthetically pleasing and will not degrade the character of the area;
 - c. adequate parking will be provided on site.
3. The proposed project is consistent with the City's Discretionary Land Use Policy in that the site is designated for residential use by the 1963 East Sacramento Community Plan and the proposed second residential unit is consistent with the Plan designation.
4. The variances are not a special privilege extended to one property owner in that variances would be granted to other property owners facing similar circumstances in that:

the orientation of the house and lot configuration are such that an addition to the house would block light and air into the interior of the house.
5. The variances will not be detrimental to public health, safety or welfare, nor to surrounding properties, in that:

- a. parking will be maintained on the subject site and since the project is not a rental, family members will work out the tandem parking arrangement;
- b. the setbacks are existing for a garage structure, and the new residential structure will not create appreciably more impacts;

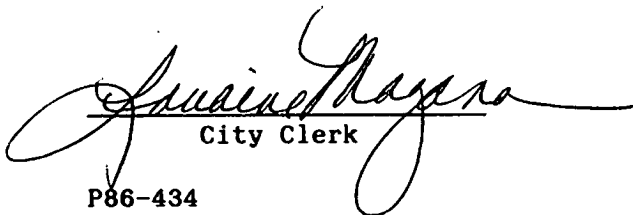
Conditions of Special Permit

1. The roof material for the second residential unit shall be tile to match that of the existing residence on the site.
2. The second unit structure shall conform to the plans, documentary and oral evidence submitted at the January 20, 1987, meeting.
3. The second unit shall not be rented to any person and is approved by the City to provide additional living space that is detached from the main unit.
4. The conditions of this permit shall be recorded by the owner and shall be submitted to the Planning Director prior to issuance of building permits. The recordation shall cite the legal description assessor's parcel number street address of the property involved.

ATTEST:



Mayor



City Clerk

P86-434

February 25, 1987

Mr. Rich McWilliam
1044 38th Street
Sacramento, CA 95816

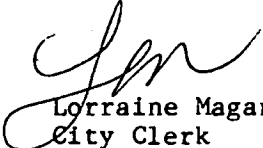
Dear Mr. McWilliam:

On February 3, 1987, the Sacramento City Council heard your appeal from the City Planning Commission's denial of various requests for property located at 1713 41st Street. (P-86394).

- A. Special Permit to construct a second residential unit on 0.11± developed acres in the Single Family, R-1 zone.
- B. Variance to allow conversion of a garage to living quarters.
- C. Variance to allow a dwelling within the fifteen foot rear yard setback.
- D. Variance to allow tandem parking.

The City Council denied your appeal based on Findings of Fact which is enclosed.

Sincerely,


Lorraine Magana
City Clerk

LM/mab/11

Enclosure

cc: Planning Department
Sharon L. Caudle; 1713 41st Street; Sacramento, CA 95819